

### REMARKS

This paper is responsive to the Office Action dated April 24, 2007. Claims 1-10 are currently pending in the subject application. Claims 1, 3 and 6-10 have been amended. Support for the amended claims can be found in the specification, and no new matter has been added by these amendments. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

#### Claim Rejections under 35 U.S.C. § 112

The Office Action rejected claim 3 for insufficient antecedent basis for "the data recording speed." Applicants have amended claim 3 to provide antecedent basis for this feature of claim 3. Specifically, claim 3 now recites "a data recording speed." Thus, withdrawal of the rejection of claim 3 is respectfully requested.

#### Claim Rejections under 35 U.S.C. § 102

The Office Action rejected claims 1, 3, 6 and 8-10 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,738,330 issued to *Shumura*. Without conceding the merits of the rejection, Applicants respectfully submit that the amended claims overcome this rejection.

Claim 1, as amended, recites in part, a "system controller... controls the drive current supplied to the semiconductor laser based on the temperature detected by the temperature sensor." In another feature, "the system controller... controls the rotational speed of the motor based on the temperature detected by the temperature sensor and the data recording properties of the optical disc determined by the system controller, thereby continuously executing a recording operation on the optical disc."

In contrast, *Shumura* teaches a temperature sensor. The value detected by the temperature sensor is used to determine if recording of an optical disc should be conducted or not. For example, if the value detected by the temperature sensor reaches or exceeds a predetermined value, then the recording of the optical disc is terminated thereby protecting a

recording laser from damage caused by overheating. (Column 7, lines 20-26). An administration signal indicates the writing conditions before recording of the optical disc is terminated. (Column 10, lines 25-28). This is different than the invention described in claim 1.

In a distinctive feature of claim 1, a system controller controls a drive current supplied to a semiconductor laser and a rotational speed of a motor to "continuously execut[e] a recording operation on the optical disc." As disclosed in claim 1, a temperature is sensed when recording data onto the optical disc. If the sensed temperature is too high to write data to the optical disc, the system controller changes the drive current supplied to the semiconductor laser and the rotational speed of the motor to enable continuous recording of data onto the optical disc.

Neither *Shumura* nor any of the other cited references, alone or in combination, teach all of the features recited in independent claim 1. Specifically, *Shumura* does not teach "continuously executing a recording operation on the optical disc." For at least this reason, claim 1 is allowable over the cited art, as is claim 3 which depends from claim 1.

Independent claim 6, as amended, recites features that are similar to the features recited in amended claim 1. As discussed above with reference to claim 1, the cited art does not teach these features. Thus, claim 6 is also allowable over the cited art for at least the same reasons. Furthermore, claims 8-10 are dependent on claim 6 and are allowable for at least the same reasons that claim 6 is allowable, as well as on their own merits.

In view of the foregoing, withdrawal of the rejection of claims 1, 3, 6 and 8-10 under 35 U.S.C. 102(e) is respectfully requested.

#### Claim Rejections under 35 U.S.C. § 103

The Office Action rejected claims 2, 5, and 7 under 35 U.S.C. §103(a) as being unpatentable over *Shumura* in view of United States Patent No. 5,561,644 issued to *Kondo*. The Office Action further rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over *Shumura* in view of United States Patent No. 5,311,494 issued to *Sugita*. Without conceding the merits of the rejection, Applicants respectfully submit that the amended claims overcome this rejection.

Claims 2, 4 and 5 depend from claim 1, and claim 7 depends from claim 6. The rejection of claims 2, 5 and 7 is premised on the assertion that *Shumura* discloses the features recited in claims 1 and 6, and *Kondo* discloses the remaining features of claims 2, 5 and 7. The rejection of claim 4 is premised on the assertion that *Shumura* discloses the features recited in claim 1, and *Sugita* discloses the remaining features of claim 4.

As discussed above, however, *Shumura* does not disclose or suggest all features recited in amended claims 1 and 6. As best understood, *Kondo* and *Sugita* do not provide any teaching or suggestion that would remedy this deficiency. Therefore, the rejection is based on a flawed premise and cannot be maintained. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 4, 5 and 7.

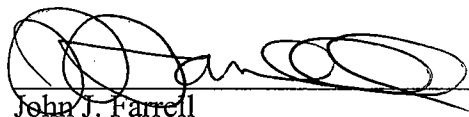
**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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Date

  
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